VA Directive 8100 Transmittal Sheet MARCH 24, 1996

GUIDANCE RELATING TO CONGRESSIONAL RELATIONS ACTIVITIES

- 1. **REASON FOR ISSUE:** To provide guidance for VA personnel on matters related to Congressional relations and the presentation of views on legislation.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:

This directive sets forth VA policy and responsibilities for:

- a. The participation of VA officials in Congressional hearings,
- b. Contacts of VA officials with members of Congress and Congressional staffs, and
 - c. Requests for VA views on pending or proposed legislation.
- **3. RESPONSIBLE OFFICE:** The Office of the General Counsel (023) is responsible for the material contained in this directive.

/s/

Jesse Brown Secretary of Veterans Affairs

CERTIFIED BY:

/s/

Nada D. Harris Deputy Assistant Secretary for Information Resources Management

Distribution: RPC

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VA DIRECTIVE 8100

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GUIDANCE RELATING TO CONGRESSIONAL RELATIONS ACTIVITIES

1. PURPOSE AND SCOPE. It is essential that the views of the Department and the Administration be presented to Congress clearly and consistently. The purpose of this directive is to provide guidance for Department personnel on matters related to Congressional relations and the presentation of views on legislation.

2. POLICY

Application. The guidance contained herein applies to all official testimony, official Congressional visits and briefings, and requests for official views on pending or proposed legislation or budget issues. "Official" refers to any testimony (including any material submitted for the record), meeting or statement of views that occurs or is prepared or presented on official duty time, or presented by a witness whose travel expenses are paid by the Government. This directive does not foreclose the rights of employees on their own behalf to petition or furnish information to Congress, and exercise their right of free speech under the First Amendment of the Constitution. However, in such cases, the individual must make clear that he or she is not acting in an official capacity and is expressing personal views. Also, such unofficial activities must not involve expenditure of VA travel or other funds and must not be undertaken on official duty time.

b. Hearings.

- (1) Because Congressional hearings involve significant issues of policy, the need for coordination of all testimony and responses presented to Congressional committees is obvious. Conflicts and inconsistencies with Department policy, as well as factual inaccuracies, in the draft testimony of VA witnesses must be identified and resolved. Accordingly, prior to being sent to the Congress, all written testimony by official witnesses must be reviewed and cleared to ensure a coordinated and effective presentation of the official views of the Department and the Administration.
- (2) To the maximum extent possible, VA employees will be encouraged to participate in hearings as requested by Committees of the Congress, subject to the guidelines contained herein. Those testifying should be forthright, accurate, and cooperative. Where a witness' personal views are requested in response to an oral question at a hearing, they may be presented as such without

fear of reprisal or retaliation. However, when expressing personal views, the witness must make clear that the witness is testifying in his/her personal capacity and that the views expressed in no way represent the views of the Department.

- (3) For Congressional hearings conducted either in Washington or at a field location, the following action will be taken:
- (a) **Notification**. The appropriate Administration Head, Assistant Secretary, other key official, or Deputy Assistant Secretary will be notified immediately when an employee is contacted with regard to either testifying in an official capacity at, or providing information for, a Congressional hearing (including field hearings).
- (b) Clearance. Administration Heads, Assistant Secretaries, other key officials, and Deputy Assistant Secretaries, as well as field facility directors, will ensure that the prepared statement of any employee who is presenting official testimony at a Congressional hearing, either in Washington or at a field location, is forwarded to the appropriate office in VA Central Office (VACO) at least five working days prior to the hearing. It must then be reviewed by the Administration Head, Assistant Secretary, other key official, or Deputy Assistant Secretary involved, by the Office of Congressional Affairs (OCA), and by the General Counsel, who will be responsible for obtaining any Office of Management and Budget (OMB) clearance necessary. Office of Congressional Affairs will be responsible for obtaining any required White House clearance that is not obtained by OMB. Any changes to the prepared testimony will be communicated to the witness by the appropriate Administration Head, Assistant Secretary, other key official, or Deputy Assistant Secretary in VACO.

Note: Field witnesses' testimony may be transmitted (after VACO approval) directly from the VAMC/VARO/national cemetery over the Director's signature, with a courtesy copy provided to the appropriate Administration Head, Assistant Secretary, other key official, or Deputy Assistant Secretary and to the Office of Congressional Affairs.

- (c) Clearance for Hearings on the Department's Budget. For hearings on the Department's budget, the Office of Budget will coordinate and review official Department statements, testimony, and questions. The Office of Budget will act as the primary liaison with OMB for these hearings.
- (d) Other Materials. Materials, other than testimony, requested by Members of Congress or their staffs to be provided

for the record of a hearing will also be forwarded by the appropriate VACO office for review by the Office of Congressional Affairs and the General Counsel or the Office of Budget, as appropriate, (as under subparagraph (b) or (c) above). This includes responses to pre-hearing and post-hearing questions, copies of correspondence, directives and other requested items. After clearance, the Office of Congressional Affairs will be responsible for seeing that the materials are transmitted to Congress except in the case of materials requested by a Committee on Appropriations which will be the responsibility of the Office of Budget.

(e) Field Hearing Reports. Field facility directors will forward a report of contact to the appropriate Administration head, Assistant Secretary, other key official, or Deputy Assistant Secretary, with a copy to the Office of Congressional Affairs, summarizing the issues discussed at any field hearings at which field facility personnel provided testimony.

c. Contacts with Members and Congressional Staffs.

- Department employees will generally report to their Administration Head, Assistant Secretary, other key official, or Deputy Assistant Secretary, with a copy to the Office of Congressional Affairs, all telephone or personal contact with Members of Congress, their staffs, or other employees of the legislative branch involving the discussion or interpretation of legislation, Department policy, or politically or otherwise sensitive matters involving the Department's goals, mission, budget, or programs. This requirement does not apply to constituent casework and the routine furnishing of non-sensitive information or materials regarding VA programs and operations. However, the policy is intended to be inclusive rather than exclusive so that the Secretary and other top management officials can be informed as to significant Congressional concerns and interests regarding VA. Thus, doubt as to whether a contact should be reported should be resolved in favor of reporting.
- (2) All meetings that are scheduled between VACO personnel and Members of Congress, Congressional staff (whether personal staff or committee staff), or other employees of the legislative branch will be reported to the Office of Congressional Affairs immediately upon scheduling. The report should detail the date, time, place, agenda and anticipated attendees for the planned meeting. Generally, an OCA staff member will accompany VA personnel in meetings with members of Congress or congressional staffs that take place in Washington, D.C.

- (3) While field officials are expected to have regular contact with Members and their staffs on a local level, all information and views transmitted must be consistent with Department and Administration Policy. Questions on significant, national policy issues or issues of a sensitive nature should be discussed with the appropriate VA officials prior to discussion with Members. Significant discussions of national or local policy are to be reported to the appropriate Administration Head, Assistant Secretary, other key official, or Deputy Assistant Secretary and to the Office of Congressional Affairs.
- d. Legislative Views. Requests from all sources for the views of the Department on pending or proposed legislation are to be referred to the Office of Congressional Affairs. General Counsel, in consultation with the appropriate Administration Head, Assistant Secretary, other key official, and Deputy Assistant Secretary or the Office of Congressional Affairs, will be responsible for the preparation and clearance of any letter, report, or statement that expresses the views of the Department on legislative matters. Unless otherwise specified, all letters or reports to the Congress or another Executive Branch agency, including OMB, that establish the Department's views on pending or proposed legislation will be signed by the Secretary.
- e. Exclusion. The Office of Inspector General is specifically excluded from the requirements of this directive.

3. RESPONSIBILITIES

- a. Overall responsibility for coordinating Department relations and activities with the Congress is assigned to the Assistant Secretary for Congressional Affairs (009). The Office of Congressional Affairs will be the focal point for Department interaction with Congress and the management and coordination of Congressional affairs.
- b. Administration Heads, Assistant Secretaries, other key officials, and Deputy Assistant Secretaries will monitor compliance with this directive by officials and employees under their jurisdiction, including field station level, and will issue implementing instructions as necessary.